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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,890	11/18/2003	Edgar A. Dallas	048674-0310	3688
26371	7590	06/27/2006	EXAMINER	
FOLEY & LARDNER LLP 777 EAST WISCONSIN AVENUE MILWAUKEE, WI 53202-5306			HAMILTON, ISAAC N	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/715,890

Applicant(s)

DALLAS ET AL.

Examiner

Isaac N. Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10, 12-26 and 28-34 is/are pending in the application.
- 4a) Of the above claim(s) 8, 9, 12-14, 18, 19, 22-25, 31, 32 and 34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10, 15-17, 20, 21, 26, 28-30 and 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 10, 15-17, 20, 21, 26, 28-30 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huston in view of Benardeau. Huston discloses first cutting tool/axe 10; secondary tool/knife/camping gear item 20; retention system 32; receptacle 16. Huston discloses everything but does not disclose a retention system of a first magnet and a second magnet.

However, Benardeau teaches a retention system of first magnet 38 and second magnet 36. It would have been obvious to provide a retention system of a first magnet and a second magnet in Huston as taught by Benardeau in order to permit rapid removal of the knife. Two elements having a magnetic attraction inherently have opposite polarities of negative and positive. Note in Benardeau rare earth magnets with the magnetic force of 4000 gauss in paragraph [0033]. Rare earth magnets of the type described in paragraph [0033] of Benardeau inherently have a magnetic force of approximately 4000 Gauss as further evidenced by Gaussboys website.

3. Claims 1-7, 10, 15-17, 20, 21, 26, 28-30 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arbuckle (2,005,176) in view of Benardeau. Arbuckle discloses first cutting tool/axe 1, 2; secondary tool/knife/object/camping gear item 4, 5; retention system shown in figure 5; receptacle 3. Arbuckle discloses everything but does not disclose a retention system of a first magnet and a second magnet. However, Benardeau teaches a retention system of first

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magnet 38 and second magnet 36. It would have been obvious to provide a retention system of a first magnet and a second magnet in Huston as taught by Benardeau in order to permit rapid, frictionless removal of the knife. Two elements having a magnetic attraction inherently have opposite polarities of negative and positive. Note in Benardeau rare earth magnets with the magnetic force of 4000 gauss in paragraph [0033]. Rare earth magnets of the type described in paragraph [0033] of Benardeau inherently have a magnetic force of approximately 4000 Gauss as further evidenced by Gaussboys website.

### ***Response to Arguments***

Request to withdraw the finality of the Office action dated 05/14/06 was not granted as was stated in the advisory action of 05/26/06.

Applicant's arguments, see page 9, third paragraph, filed 06/14/06, with respect to the first magnet having a first polarity and the second magnet having a second polarity have been fully considered and are persuasive. The rejection based on the combination of Huston et al (3,252,489) and White (2,910,804) of the claims has been withdrawn. However, the rejections based on the combination of Huston and Benardeau (US 2003/0204914 A1) stand. It is further noted that there are no arguments with respect to the rejection based on the combination of Huston and Benardeau in the response filed 06/14/06.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday through Friday between 8am and 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LAH

III

June 22, 2006

Timothy V. Eley  
Primary Examiner